

By: Patrick, et al.

S.B. No. 905

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the application of certain concealed handgun license
3 laws to statewide elected officials, certain current and former
4 members of the legislature, and certain federal and state
5 employees.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subsection (h-1), Section 46.035, Penal Code, as
8 added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature,
9 Regular Session, 2007, is amended to read as follows:

10 (h-1) It is a defense to prosecution under Subsections
11 (b)(1), (2), and (4)-(6), and (c) that at the time of the commission
12 of the offense, the actor was:

13 (1) a judge or justice of a federal court;

14 (2) an active judicial officer, as defined by Section
15 411.201, Government Code; ~~or~~

16 (3) a district attorney, assistant district attorney,
17 criminal district attorney, assistant criminal district attorney,
18 county attorney, or assistant county attorney;

19 (4) a United States attorney or an assistant United
20 States attorney;

21 (5) a statewide elected official;

22 (6) a member of the legislature; or

23 (7) a noncommissioned employee of the Department of
24 Public Safety, designated by the director of the department.

1 SECTION 2. Section 46.035, Penal Code, is amended by adding
2 Subsection (h-2) to read as follows:

3 (h-2) It is a defense to prosecution under Subsections
4 (b)(1), (2), and (4)-(6), and (c) that at the time of the commission
5 of the offense, the actor was a person who on September 1, 2011, was
6 serving as a member of the legislature and possessed a concealed
7 handgun license under Subchapter H, Chapter 411, Government Code,
8 if the person is no longer a member at the time of the offense and if
9 the license has not yet been subject to renewal since the person
10 ceased to be a member. This subsection expires on September 1,
11 2020.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2011.